



February 2, 2000

Ms. Ruth H. Soucy
Manager, Open Records Division
Comptroller of Public Accounts
Post Office Box 13528
Austin, Texas 78711-3528

OR2000-0352

Dear Ms. Ruth Soucy

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131769.

The Comptroller of Public Accounts received a request for a listing of all uncashed warrants from all the agencies that warrants are drawn for. The requestor specifically stated that “[d]ue to confidentiality concerns, we only wish to receive a warrant # and a dollar amount.” You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. You have supplied a representative sample of the type of information at issue for this office to review.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.022 of the Government Code provides several categories of information that are not excepted from required public disclosure unless they “are expressly confidential under other law.” The pertinent parts of this section read:

(a) Without limiting the amount or kind of information that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

...

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body, if the information is not otherwise made confidential by law;

Gov't Code 522.022(a)(3).

We conclude that the requested information falls within the purview of section 522.022(a)(3).

You state that the requested information is excepted from public disclosure under section 552.101 of the Government Code. Section 552.101 of the Government Code states that information is excepted from public disclosure "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Although you raise section 552.101 for the requested information, you do not explain how the release of the warrant numbers and amounts alone would implicate a person's common law or constitutional privacy. Furthermore, we are not aware of, nor have you raised or referred us to, any law that would make the warrant numbers and amounts confidential. Therefore, we conclude that the requested information is not protected from disclosure under section 552.101. Thus, the information is expressly made public under section 552.022(a)(3) of the Government Code, and must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the

governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Noelle C. Letteri
Assistant Attorney General
Open Records Division

ncl/nc

Ref: ID# 131769

Encl. Submitted documents

cc: Mr. Michael Carlucci
793 Washington Street
Canton, MA 02021
(w/o enclosures)